UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,189	10/30/2003	Ran M. Oz	5079P022C	9908

8791   7590   08/29/2007
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
SAINT CYR, JEAN D

ART UNIT	PAPER NUMBER
2609	

MAIL DATE	DELIVERY MODE
08/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 October 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date. _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-19, filed 10/30/2003, are presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Gordon et al, US Patent No. 7024678.

Re claim 1, Gordon et al disclose the method comprising the steps of: receiving live media streams at a first path (see fig.2, element 250, real-time broadcast); providing a live media stream from the first path to client (first is a stream containing a real- time bitstream of encoded video information that is to be broadcast to the subscribers, col.3, lines 51-53), in response to a request to provide the live media stream to the client; and retrieving media related information and providing a non-live media stream from a second path to a client(upon electing to review, the system transmits the storage bitstream to the subscriber,col.2, lines 20-21) , in response to a request to provide the live media stream to the client.

Re claim 2, Gordon et al teach wherein the first path comprises a data acquisition unit (see fig.1, encoder 200; the video data is produced by an encoder 200 as two streams, col.3, lines 49-50) and a video pump (see fig.1, element 122, Video session manager; the video session manager contains its own central processing unit and

associated memory that provides functionality for the graphical user interfaces through which the consumer interacts with the system, col.3, lines 60-64).

Re claim 3, Gordon et al teach wherein the second path comprises a media server (see fig.1, element 114; data storage; the data storage device that that generally stores the subscriber information that is transmitted directly to the subscriber equipment, col.3, lines 45-48) and a media pump (see fig.1, element 122, Video session manager; the video session manager contains its own central processing unit and associated memory that provides functionality for the graphical user interfaces through which the consumer interacts with the system, col.3, lines 60-64)
being coupled to each other by a bandwidth limited link (see, fig1, element 104, cable transport subsystem).

Re claim 4, Gordon et al disclose wherein the media related information comprises portions of the non-live media stream (rewatch a previously viewed portion of the real-time event, col.2, lines 60-61; that means a portion of non-live media stream).

Re claim 5, Gordon et al teach wherein the non-live media stream is MPEG compliant (produces MPEG-2 compliant, col.2, line 28).

Re claim 6, Gordon et al teach wherein the non-live media stream is a trick mode media stream (see fig.2, element 208, trick play stream; the exemplary trick play streams are fast forward and fast reverse, col.5, line 45-46).

Re claim 7, Gordon et al teach further comprising a step of providing a live media stream from the first path to a client, in response to a request to provide a slightly delayed media stream to the client (an alternative to requiring the subscriber to fast forward to catch up to the broadcast stream is to provide a "catch" button that, when depressed, causes the subscriber terminal to instantly transition from decoding the storage bitstream to decoding the broadcast bitstream, col.8, lines 29-33; that means users can still receive live media stream in the first path even when there is some delay in their connection).

Re claim 8, Gordon et al disclose further comprising converting live media streams to, non-live media streams (see fig.1, the data storage stores the live media stream).

Re claim 9, Gordon et al teach comprising: a first path for receiving live media streams and for providing a live media stream to a client (first is a stream containing a real- time bitstream of encoded video information that is to be broadcast to the subscribers, col.3, lines 51-53), in response to a request to provide the live media stream to the client; and a second path operable to retrieve media related information and provide a non-live media stream to a client, in response to a request to provide the non-live media stream to the client(Upon electing to review, the system transmits the storage bitstream to the subscriber,col.2, lines 20-21.

Re claim 10, Gordon et al teach wherein the first path comprises a data acquisition unit (see fig.1, encoder 200; the video data is produced by an encoder 200 as two streams, col.3, lines 49-50) and a video pump (see fig.1, element 122, Video session manager; the video session manager contains its own central processing unit and associated memory that provides functionality for the graphical user interfaces through which the consumer interacts with the system, col.3, lines 60-64).

Re claim 11, Gordon et al teach wherein the second path comprises a media server (see fig.1, element 114; data storage; the data storage device that that generally stores the subscriber information that is transmitted directly to the subscriber equipment, col.3, lines 45-48) and a media pump (see fig.1, element 122, Video session manager; the video session manager contains its own central processing unit and associated memory that provides functionality for the graphical user interfaces through which the consumer interacts with the system, col.3, lines 60-64) being coupled to each other by a bandwidth limited link(see, fig1, element 104, cable transport subsystem).

Re claim 12, Gordon et al disclose wherein the media related information comprises portions of the non-live media stream (rewatch a previously viewed portion of the real- time event, col.2, lines 60-61; that means a portion of non-live media stream).

Re claim 13, Gordon et al teach wherein the non-live media stream is MPEG compliant media stream (produces MPEG-2 complaint, col.2, line 28).

Re claim 14, Gordon et al teach wherein the non-live media stream is a trick mode media stream (see fig.2, element 208, trick play stream; the exemplary trick play streams are fast forward and fast reverse, col.5, line 45-46).

Re claim 15, Gordon et al teach further comprising a step of providing a live media stream from the first path to a client, in response to a request to provide a slightly delayed media stream to the client (an alternative to requiring the subscriber to fast forward to catch up to the broadcast stream is to provide a "catch" button that, when depressed, causes the subscriber terminal to instantly transition from decoding the storage bitstream to decoding the broadcast bitstream, col.8, lines 29-33; that means users can still receive live media stream in the first path even when there is some delay in their connection.

Re claim 16, Gordon et al teach the system comprising: an acquisition unit coupled to a media source (see fig.1, encoder 200; the video data is produced by an encoder 200 as two streams, col.3); a media storage (see fig.1, element 114; data storage; the data storage device that that generally stores the subscriber information that is transmitted directly to the subscriber equipment, col.3, lines 45-48) and management entity (see fig.1, element 142, network manager); a video pump interface, coupled to the output of the acquisition unit, to the server and to a command channel, the video pump interface is operable to receive instructions/requests from an end-user and accordingly to determine whether to feed the video pump with live stream media from the acquisition unit or to initiate a data fetch sequence for fetching data stored in the server, in case where trick modes are required; and a video pump that is operable to determine which data to fetch from the server and when to transmit it according to MPEG timing(see fig.1, element 122, Video session manager; the video session manager contains its own central processing unit and associated memory that provides functionality for the graphical user interfaces through which the consumer interacts with the system, col.3, lines 60-64; see also col.4, lines 6-65).

Re claim 17, Gordon et al disclose wherein the video pump is operable to fetch selected portions of the data stored at the server (the video session manager accomplishes all of the transmission interface requirement of the system, col.4, lines 17-18; the video session manager interprets each command set from terminal through the back channel and instructs the information server to perform certain function to

implement the consumer/ subscriber request, col.5, lines 7-10; that means the video session manager is operable to fetch selected portion of the data stored at the server).

Re claim 18, Gordon et al teach wherein the video pump is further operable to transmit retrieved data over a network to the end-user (see fig.1, where the video session manager is connected to the cable subsystem and to the subscriber equipment; the cable transport subsystem can be any one of a number of conventional broad band communications networks, col.4, lines 41-43).

Re claim 19, Gordon et al teach a computer readable medium having code ·embodied therein for causing an electronic device to perform the steps of (see fig.1, element 126, memory, element 124, CPU): receiving live media streams at a first path (see fig.2, element 250, real-time broadcast), providing a live media stream from the first path to a client (first is a stream containing a real- time bitstream of encoded video information that is to be broadcast to the subscribers, col.3, lines 51-53), in response to a request to provide the live media stream to the client; and retrieving media related information and providing a non-live media stream from a second path to a client (upon electing to review, the system transmits the storage bitstream to the subscriber,col.2, lines 20-21), in response to a request to provide the live media stream to the client.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 5625864 (Interactive Digital Video services System With Store And Forward Capabilities, Budow et al), this system encoded and compressed digital video signals for transmitting via satellite.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST.If attempts to reach the examiner by telephone are not successful, his supervisor, Marvin Lateef, can be reach on 571-272-5026. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see htpp://pair-direct.uspto.gov. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-272-1000.

Jean Duclos Saintcyr   Marvin Lateef / Tuan Ho

08/23 2007   Supervisor Patent Examiner/ TA

TUAN HO
PRIMARY EXAMINER